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Attorneys for Defendant  
ACT, INC.

*(Additional Counsel Listed on Signature Page)*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEPHANIE ENYART

Plaintiff,

vs.

NATIONAL CONFERENCE OF BAR  
EXAMINERS, INC., ACT, INC., AND THE  
STATE BAR OF CALIFORNIA,

Defendants.

CASE NO. C09-05191 **CRB**

**STIPULATION RE: VOLUNTARY  
DISMISSAL WITHOUT  
PREJUDICE OF DEFENDANT  
ACT, INC.; ~~PROPOSED~~ ORDER  
THEREON**

Plaintiff, STEPHANIE ENYART ("Plaintiff"), and Defendants, NATIONAL  
CONFERENCE OF BAR EXAMINERS, INC. ("NCBE") and ACT, INC. ("ACT"), by and  
through their respective counsel, state as follows:

WHEREAS, Plaintiff has filed a Complaint in this action alleging disability  
discrimination against her in connection with the California Bar Examination, and in particular,  
the Multistate Bar Exam (MBE) and the Multistate Professional Responsibility Examination

(MPRE);

WHEREAS, Plaintiff has sought certain types of accommodations in connection with future administrations of the MBE and MPRE;

WHEREAS, ACT has administered the MPRE under a contract with NCBE, which developed this exam;

WHEREAS, the decision and authority with respect to whether to provide the particular accommodations sought by Plaintiff on the MPRE for future examinations rest with NCBE; and

WHEREAS, Plaintiff has named ACT as a party in this action based upon, *inter alia*, the possibility that ACT may be an indispensable party with respect to the delivery and/or administration of certain prospective injunctive relief requested in this action;

WHEREAS; ACT agrees to furnish to Plaintiff the accommodations if any, ordered by the Court in this action or which are agreed to by Plaintiff and NCBE therein;

NOW, THEREFORE, the Parties hereby AGREE and STIPULATE, and request that the Court order, as follows:

1. That Defendant ACT is dismissed, without prejudice, as a defendant in this action.

2. That ACT will abide by the final determination of the Court, including any injunctive relief, if granted, regarding accommodations which Plaintiff seeks with respect to the provision of testing accommodations in connection with any future administration of the MPRE in which ACT has any role or involvement.

3. By entering into this Stipulation, neither ACT nor NCBE makes any concession or waives any position regarding the merits of any claims or defenses asserted, or which may be asserted, in this action. In particular but without limitation, neither ACT nor NCBE makes any concession or waives any position or defense with respect to the propriety or reasonableness of the disability accommodations sought by Plaintiff in this action. To the contrary, NCBE

1 expressly preserves all defenses and positions with respect to the allegations and claims made in  
2 this action.

3  
4 IT IS SO STIPULATED.

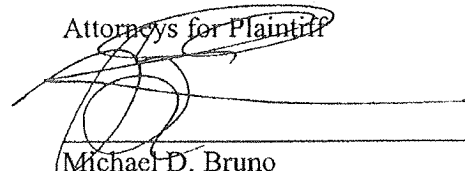
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6 Dated: November <sup>25</sup> 2009



Laurence W. Paradis  
Anna Levine  
Karla Gilbride  
DISABILITY RIGHTS ADVOCATES

Attorneys for Plaintiff

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11 Dated: November <sup>25</sup> 2009



Michael D. Bruno  
Brian P. Maschler  
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Attorneys for Defendant  
ACT, INC.

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17 Dated: November <sup>25</sup> 2009



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Attorneys for Defendant  
NATIONAL CONFERENCE OF BAR  
EXAMINERS, INC. (C)

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[Proposed] ORDER

IT IS SO ORDERED.

Dated: Dec. 8, 2009

~~Honorable Maria Elena James~~  
~~U.S. Magistrate Judge~~

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